

**Truro Planning Board**  
**Minutes of meeting 23 January 2007 – Truro Public Library**

Members present: Nicholas Brown, Ansel Chaplin, William Golden, Deborah Paine, Karen Snow, Robert Weinstein, William Worthington (chair)

Others attending: Chet Lay, Slade Associates

William Worthington called the meeting to order at 7:00 pm.

**1. Minutes**

Minutes of the meeting on 9 January were reviewed and revisions made based on comments from several members.

Mr. Weinstein took issue with the account in the minutes of the opening of the preliminary site plan review for Goodheart Properties III, LLC, an agenda item for which he had recused himself. Although not questioning the content of the minutes, he stated that Mr. Zehnder should not have presented any memo regarding his (Mr. Weinstein's) conflict of interest, and that the memo should not have been accepted by the chair since he (Mr. Weinstein) had already recused himself. Mr. Worthington agreed.

Mr. Weinstein moved that the minutes be approved as revised; second by Ms. Snow. Vote: 7-0-0 with members abstaining on those portions of the meeting for which they were not present.

**2. 2007-001 Lynn Hamm and Gregory P. Hamm, 55-57 Castle Road- Approval Not Required Plan**  
– Representative: Chet Lay, Slade Associates

Mr. Lay distributed the plan to Board members. In response to a question from Ms. Paine about access, Mr. Lay responded that the applicants believe they have right of access via Souza Lane. Mr. Brown asked how many bedrooms were planned for Lot 2; Mr. Lay responded 4-5. Ms. Paine then asked if the Town Health Agent is consulted when a lot is subdivided in the way shown in the plan. Mr. Lay answered that nine copies of the plan are submitted to the Town, and he believes that one is transmitted to the Board of Health. Mr. Worthington asked if there were further questions from the Board. Mr. Chaplin read the definition of lot frontage contained in the by-law and raised a question related to frontage and easement, stating that he was raising it because he feels that it is a matter for the Planning Board to discuss.

Mr. Brown moved to accept Plan 2006-074 as ANR (Approval Not Required); second by \_\_\_\_\_. Vote: 7-0-0.

**3. John Thornley – Adequacy of Access Discussion – Thornley Meadow Road** – Representative: Chet Lay, Slade Associates

Mr. Chaplin stepped down from the meeting at this point. Mr. Lay distributed the plan to Board members explaining that it shows a paved road 14 feet wide and asking how the Planning Board feels about creating another lot on the site. Mr. Worthington asked if the intention is to build a house on the lot or to sell it as a buildable lot, to which Mr. Lay responded that he did not know, explaining that the lot under question is to the east. In response to a member's question about an area on the plan, Mr. Brown responded that it is a conservation easement. Mr. Worthington asked if any of the Board members had been on the site, and Ms. Snow indicated that she had, as did Mr. Brown and Ms. Paine. Mr. Brown remarked that when Mr. Thornley brought in the modular home, he had to transfer it to smaller vehicles and in the process destroyed the surrounding vegetation. He also noted that there are already four houses on the road.

Ms. Snow stated that some upkeep of the road needs to be done before anything can be approved.

Mr. Worthington stated that he prefers to say that the current Planning Board does not accept the lot for a house. Ms. Paine noted that the Board has copies of some of the covenants but would need to have all of them if it is to consider the proposal further and remarked that the road is very tight with really no place to turn around. Mr. Brown stated that the Dubinsky property is now used for turning around, as it is the only place available. Ms. Snow expressed her doubt that a fire truck could navigate the road.

Mr. Lay emphasized that he neither wanted nor needed a vote on the plan, he was asking for the sense of the Board. Ms. Paine asked how many more houses could be built if the lot were subdivided again. Mr. Worthington commented that he would feel more positive if an easement were granted through one lot. The consensus of the Board is that the road is not adequate at this time to support the proposal. Mr. Lay stated that he may return to the Board at a later time with a different plan.

#### **4. Continuation of review of the proposed Affordable Housing Zoning By-law**

Mr. Chaplin rejoined the meeting at this time. Mr. Worthington distributed copies of the Affordable Accessory Housing package noting the press of time to place an article on the warrant for the annual Town Meeting and his desire to schedule another meeting on 30 January to discuss it further, to which all agreed. Mr. Worthington moved that the Planning Board request the Board of Selectmen to hold three articles on the Town Meeting warrant; second by Mr. Brown. Ms. Snow noted that there appear to be four articles, and Mr. Worthington amended the motion to request the Board of Selectmen to hold spaces on the warrant for four articles on matters contained in the Affordable Accessory Housing document of 4 January 2007. Vote: 7-0-0.

The Board then discussed the details of the document with Mr. Worthington noting that the Board will have more to discuss next week.

#### **5. Planning Board Rules and Regulations**

Mr. Worthington informed the Board that he had placed this item on the agenda as a result of conversation with Mr. Weinstein regarding the points Mr. Weinstein had made earlier in the meeting during discussion of the minutes of the 9 January meeting. Mr. Worthington reminded the Board that the last section of Article 8 (Conflict of interest) states that a member with a conflict of interest should leave the room immediately. Mr. Weinstein informed the Board that he had consulted with the lawyer for the Ethics Commission, asking if a member who recused him/herself needed to leave the room, and that she had replied no, a member does not have to leave the room but must leave the table at which the Board is seated and join the audience. If the member then chooses to speak, s/he must state that s/he is doing so as a private citizen and not as a member of the Planning Board. He also informed members that while the Board's rules state that grounds for recusal should not be stated, the attorney told him that it is permissible to state the reason(s) if the Board member chooses to do so. Mr. Weinstein registered his strong objection to the rule stating that the recuser must leave the room, citing the recent situation as a case in point during which he was not present to object to the actions that took place.

Mr. Brown responded that the lawyer's statements were not his understanding of how a Planning Board is to operate, that a member has never been present when there is a conflict of interest, and questioned whether this is just one lawyer's opinion. He stated that he would like to hear from Town Counsel and Attorney Chaplin on the matter as the interpretation of the Ethics Commission lawyer is contrary to eleven years of practice by the Planning Board. Mr. Chaplin suggested that perhaps a better approach would be to ask Charleen Greenhalgh to write to the Ethics Commission on the matter and that the Board should have a written opinion before approaching Town Counsel. There was agreement that the approach suggested by Mr. Chaplin was the appropriate one to take.

#### **6. Meeting time**

Mr. Worthington introduced the subject of possibly changing the day and time of Planning Board meetings and asked Mr. Chaplin to lead the discussion. Mr. Chaplin stated that all members were not present at a previous meeting at which he had introduced the topic and that it is one that requires a full Board for discussion, but that he is not as committed to a change as he was earlier. Mr. Brown commented that two hours is frequently not sufficient to cover the agenda, resulting in very long meetings such as the one on 9 January that lasted three hours. A wide variety of options were discussed: closer management of time during meetings, setting time limits for agenda items, continuing one or more agenda items to a future meeting, earlier starting time for meetings, review of applications for completeness before they are placed on the agenda, closer management of the agenda while it is being compiled. It was agreed that Mr. Worthington will talk with Susan Kelly and Charleen Greenhalgh about limiting the agenda to the number of items that can be accomplished in two hours.

## **7. Working Groups**

Mr. Worthington asked for clarification on working groups that the Board currently has in place. It was determined that the following currently exist:

Condominiums – Brown, Golden, Paine

Joint Task Force with Board of Health and Conservation Commission – Brown, Paine

Subdivision By-laws – Chaplin, Worthington, Snow

Affordable Apartments – Brown, Weinstein.

Mr. Worthington requested a status report at the next meeting from the Working Group on Condominiums and another on the shape of the table.

Mr. Chaplin proposed that the Planning Board find funds to hire a consultant to undertake a study of Beach Point. Mr. Brown noted that the Joint Task Force is at work on this, studying issues such as the cause of algae blooms in Pilgrim Lake; that it may take a year to see results; and that the GIS report from Gary Delius, the Town's Manager of Information Systems, has been very helpful.

Ms. Paine noted the need to have agendas and minutes of the Planning Board available to the Board of Health and the Conservation Commission, and Mr. Worthington acknowledged this as needing his attention.

Mr. Worthington reminded members of the site visit scheduled for Friday, 26 January at 9 am related to the John Rice Site Plan Review and that it is very important that all members be present, with the exception of Mr. Brown who has been excused. Ms. Snow remarked on the need for the schedule of meetings to include working sessions. There followed an extended discussion of the need for collaboration with the Truro Housing Authority on affordable housing, and Mr. Worthington agreed to invite the Housing Authority to the meeting on 30 January.

Ms. Snow moved for adjournment; second by Mr. Golden. Vote: 7-0-0. The meeting adjourned at 8:40 pm.

Respectfully submitted,

Sharon A. Sullivan, Secretary